IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

TUESDAY, THE 11TH SEPTEMBER 2007 / 20TH BHADRA 1929

WP(C).No. 18499 of 2007(B)

PETITIONER: 1

M/S.SOUTH MALABAR TRADING COMPANY,
REPRESENTED BY ITS MANAGING PARTNER,GEORGE JOSEPH,
S/O.JOSEPH, AGED 68 YEARS, DIANA TOWERS,
NATIONAL HIGHWAY, VADAKKANCHERRY, PALAKKAD.

BY ADV. SRI.JACOB SEBASTIAN

RESPONDENTS:

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1. THE KERALA STATE ELECTRICITY BOARD,
REPRESENTED BY SECRETARY, VAIDUTHI BHAVAN,
PATTOM, THIRUVANANTHAPURAM.

2. THE CHIEF ENGINEER (COMMERCIAL AND
TARIFF) VAIDUTHI BHAVAN, PATTOM,
THIORUVANANTHAPURAM.

3. THE CHAIRMAN, K.S.E.BOARD,
THIRUVANANTHAPURAM.

4. THE SPECIAL OFFICER (REVENUE),
K.S.E.BOARD, THIRUVANANTHAPURAM.

5. THE DEPUTY CHIEF ENGINEER,
ELECTRICAL CIRCLE, PALAKKAD.

6. THE ASSISTANT ENGINEER,
ELECTRICAL CIRCLE, VADAKKANCHERRY.

BY ADV. SRI.P.P.THAJUDEEN, SC, K.S.E.B

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 11/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1 TRUE COPY OF THE SANCTION ORDER ISSUED BY THE ELECTRICAL INSPECTOR, PALAKKAD.

EXT.P2 TRUE COPY OF THE LETTER DATED 29.10.2005 OF THE SPECIAL OFFICER (REVENUE)

EXT.P3 TRUE COPY OF THE ADDL. BILL DATED 29.10.2005

EXT.P4 TRUE COPY OF THE AGREEMENT DATED 7.4.2000

EXT.P5 TRUE COPY OF THE BILL DATED 7.11.2005 ISSUED BY THE SPECIAL OFFICER (REVENUE) TO THE PETITIONER.

EXT.P6 TRUE COPY OF THE JUDGMENT IN WPC 31556 OF 2005

EXT.P7 TRUE COPY OF THE ORDER DATED 28.8.2006 PASSED BY THE SPECIAL OFFICER (REVENUE)

EXT.P8 TRUE COPY OF THE APPEAL FILED BY THE PETITIONER AGAINST EXT.P2

EXT.P9 TRUE COPY OF THE PETITION DATED 19.8.2006 SUBMITTED BY THE PETITIONER BEFORE THE DEPUTY CHIEF ENGINEER.

EXT.P10 TRUE COPY OF THE RECEIPT DATED 25.8.2006 PAID BY THE PETITIONER AS PROCESSING FEE FOR EXT.P9 ALONG WITH THE COMPLETION CERTIFICATE.

EXT.P11 TRUE COPY OF THE REPRESENTATION DATED 31.1.2007 SUBMITTED BY THE PETITIONER BEFORE THE CHAIRMAN OF THE BOARD.

EXT.P12 TRUE COPY OF THE BILL DATED 2.6.2007 ISSUED BY THE SPECIAL OFFICER (REVENUE)

EXT.P13 TRUE COPY OF THE ORDER DATED 15.1.2003 ISSUED BY KSEB.

RESPONDENTS' EXHIBITS: NIL.

TRUE COPY

P.S. TO JUDGE.

C.N.RAMACHANDRAN NAIR,J.

W.P.C. NO. 18499 OF 2007

Dated this the 11th day of September, 2007

JUDGMENT

Since additional unauthorised load is now regularised and appeal is pending against penal bill, W.P. is disposed of directing the appellate authority, whoever is, to hear the appeal against the disputed bill and dispose of the same after hearing the petitioner. Since petitioner has already paid Rs. 25,000/- in terms of the interim order of this Court, there will be stay against recovery of the balance demand due under the penal bill till disposal of the appeal. The appeal should be disposed of within three months from the date of production of a copy of this judgment by the petitioner.

(C.N.RAMACHANDRAN NAIR)
Judge